

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GREGORY LEE, :
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 Plaintiff, :
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 -against- :
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 DET. ENRIQUE CORNEIL, individually and in: :
 his official capacity as an employee, agent, officer: :
 and/or Detective of the Police Department of City :
 of New York, and SGT. JIMMY FREYRE, :
 #2218, individually and in his official capacity as :
 an Employee, Agent, Officer and/or Detective of x :
 the Police Dept. of the City of New York,

Defendants.

ANDREW L. CARTER, JR., District Judge:

1:13-cv-08359 (ALC)

ORDER ADOPTING
REPORT AND
RECOMMENDATION

Plaintiff Gregory Lee ("Plaintiff"), proceeding *pro se*, filed suit against Defendants Detective Enrique Corneil and Sargent Jimmy Freyre (collectively, the "Defendants"), alleging various violations of 24 U.S.C. § 1983 and state law claims.¹ See ECF No. 174. On November 16, 2019, Defendants filed a motion for summary judgment. The motion was subsequently referred to Magistrate Judge Debra C. Freeman for a report and recommendation. See ECF No. 246.

On August 9, 2019, Judge Freeman filed a Report and Recommendation (the "Report"), recommending that Defendants' motion be granted. See Report and Recommendation, ECF No. 251. The Report notified the parties of the right to object within 14 days from service. See *id.* at 28, ECF No. 251. However, no objections were filed. Where, as here, no objections are filed, the Court reviews the Report for clear error. *Wilds v. United Parcel Service, Inc.*, 262 F.Supp.2d

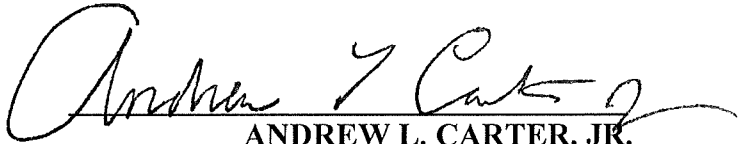
¹ As indicated in the Report, the Third Amended Complaint also named ADA John Buza as a Defendant. However, ADA Buza was dismissed from this action on March 31, 2016. See ECF No. 167.

163, 169–70 (S.D.N.Y. 2003); *see Patterson v. Rock*, 2012 WL 3245489, *1 (S.D.N.Y. Aug. 3, 2012); *see also Graves v. Correctional Medical Service*, 667 Fed.Appx. 18, 19 (2d Cir. 2016) (quoting *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997)) (In the Second Circuit, “failure to object timely to a magistrate judge’s report may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object.”).

The Court finds no clear error in the record and adopts the well-reasoned conclusions in Judge Freeman’s Report in its entirety. Accordingly, Defendants’ motion for summary judgment is **GRANTED**. The Clerk of the Court is respectfully directed to dismiss this action with prejudice and enter judgment in favor of the Defendants.

SO ORDERED.

Dated: September 27, 2019
New York, New York


ANDREW L. CARTER, JR.
United States District Judge